SINGLE BENCH (2)

C.f. 100/—

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 3189 /2006

PETITIONER

Shravan Kumar Netam, aged about 39 years, son of Shri B.R. Netam, Sub Engineer (Mahanadi Jalashay Pariyojana Bandh Sanbhag No.2) Rudri, resident of village Nagri, Tah. Nagri, District – Dhamtari (Chhattisgarh)

P.R. No. 3242/06 Presented by Shri Vinay Pandey dated 30/6/06

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through – the Secretary, Department of Water Resources, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)

2. The Secretary, Department of Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Raipur (C.G.)

3. The Joint Secretary, Department of Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Mantralay, Raipur (CG)

RECEIVED-COPY BILASPUR 30/6/06

OATH COMMISSIONER Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14-7-2006

W.P.Nos.2921/2006, 2877/2006, 2878/2006, 2879/2006, 2880/2006, 2882/2006, 2906/2006, 2933/2006, 2938/2006, 2940/2006, 2941/2006, 2942/2006, 2960/2006, 2996/2006, 2998/2006, 3000/2006, 3044/2006, 3045/2006, 3079/2006, 3081/2006, 3344/2006, 1563/2006, 3177/2006, 3189/2006, 3205/2006, 3222/2006, 3224/2006, 3225/2006, 3240/2006, 3246/2006, 3417/2006, 3418/2006.

Petitioners by Shri Kanak Tiwari & P.K.C. Tiwary, Sr. Advocates with Shri Shashi Bhushan, Shri Manoj Paranjpe, Shri Jitendra Pali, Shri Vinay Pandey, Shri Sunil Otwani, Shri Gautam Khetrapal, Shri A.K. Prasad, Shri Maneesh Sharma, Shri R.S. Shrivastava, Shri Rakesh Kumar Jha.

State/respondents by Shri P.K. Verma, Additional Advocate General with Shri V.V.S. Murthy & Shri G.K. Beriwal, Deputy Advocate Generals and Shri Sumesh Bajaj, Government Advocate for the State.

Shri R.P. Mandal, Secretary, Panchayat & Rural Development Department; Shri N.S. Bhadoriya, Engineer-in-Chief, Water Resources Department; Shri M.L. Haldkar, CEO, CGRRDA; Shri S.K. Gupta, Chief Engineer, Rural Engineering Services; Shri S.N. Shrivastava, Superintending Engineer, PMGSY, Circle: Raipur & Officer-in-Charge, and Shri Subodh Shrivastava, Executive Engineer, Water Resources Departments & Officer-in-Charge are present in Court.

Heard.

By these writ petitions, the petitioners, who are Assistant Engineers in Water Resources Department, have challenged the orders dated 12-6-2006 & 24-2-2006, whereby they have been sent on deputation to various other Departments.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

At the outset, Shri Pramod Verma & Shri V.V.S. Murthy made a statement before the Court that if the impugned orders dated 12-6-2006 & 24-2-2006 are quashed in respect of the petitioners who have filed petitions before this Court, they have no objection.

Shri Kanak Tiwari, learned Senior Advocate, submitted that a copy of the affidavit along with Minutes of Meeting dated 6-7-2006 has been filed, therefore, there is every apprehension that the respondents may pass orders under that scheme in respect of the petitioners and it will affect the petitioners' interest. Therefore, he wants to file a counter affidavit.

The prayer of learned Senior Advocate Shri Kanak Tiwari cannot be acceded, for the reason that in these writ petitions, the petitioners have questioned the legality and correctness of the orders dated 12-6-2006 & 24-2-2006 and moreover, the so called guidelines prepared vide Minutes dated 6-7-2006 are not the subject matter in these writ petitions and the respondents have not passed any order under those guidelines, so far. As such, the prayer made by Shri Kanak Tiwari is rejected.

In view of the statement made at the Bar by Shri P.K. Verma and Shri V.V.S. Murthy in presence of the Officers of the State, the orders dated 12-6-2006 & 24-2-2006 whereby the petitioners, who are working in the Water Resources Department as Assistant Engineers and have been sent on deputation to various other Departments are quashed and their writ petitions are allowed.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma